

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA.

No. 4:21-CR-06008-SMJ-3

Plaintiff,

MOTION FOR ENTRY OF A
PRELIMINARY ORDER OF
FORFEITURE

vs.

Hearing Date and Time:
January 3, 2022 at 6:30 p.m.

Defendant

Without Oral Argument

JERROD JUSTIN HALE.

Defendant

The United States of America, by its undersigned counsel, respectfully submits its Motion for Entry of a Preliminary Order of Forfeiture in the above-entitled case for the reasons set forth below.

1. On April 14, 2021, Defendant, JERROD JUSTIN HALE, was charged in the Eastern District of Washington, by a Superseding Indictment, with Conspiracy to Distribute 400 grams or more of Fentanyl and 50 grams or more of Actual (Pure) Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi), 846 (Count 1); Possession with the Intent to Distribute 400 Grams or More of Fentanyl (Count 5),

1 in violation of 21 U.S.C. F. Supp. 2d 841(a)(1), (b)(1)(A)(vi); Possession with the
2 Intent to Distribute 50 Grams or More of Actual (Pure) Methamphetamine (Count 6);
3 and Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1),
4 924(a)(2). ECF No. 73.

5 2. The Superseding Indictment also contained a notice of criminal forfeiture
6 putting Defendant on notice that the United States is seeking forfeiture of assets
7 pursuant to 21 U.S.C. § 853 and/or 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), as
8 follows:

9

10 - \$8,942.00 U.S. currency; and,

11 - a Ruger LCP .380 caliber pistol, bearing serial number 371903965.

12 - Any and all seized ammunition and accessories, including:

13 Forty-nine (49) .380 rounds with a stamp of *I*;
14 Forty (40) .380 rounds with a stamp of “Federal Auto”;
15 Thirty-five (35) .380 rounds with a stamp of “Win Auto”; and, Twenty-
16 six (26) .380 rounds with a stamp of “ACP Tulammo”.
17 all contained in a black case; and,

18 Fifteen (15) loose rounds of .380 ammo stamped “Win Auto”; and,
19 a loaded magazine.

20

21 3. On December 1, 2021, Defendant, JERROD JUSTIN HALE, entered into
22 a Plea Agreement and plead guilty to Counts 1 and 8 of the Superseding Indictment,
23 charging him with Conspiracy to Distribute 400 grams or more of Fentanyl and 50
24 grams or more of Actual (Pure) Methamphetamine, in violation of 21 U.S.C.
25 §§ 841(a)(1), (b)(1)(A)(vi), 846; and Felon in Possession of a Firearm, in violation of
26
27 Motion for Entry of a Preliminary Order of Forfeiture 2

18 U.S.C. §§ 922(g)(1), 924(a)(2), and agreed to the forfeiture of the above-listed
1 assets. ECF No. 163 at 23 - 24.

3 4. The Court's jurisdiction in this matter is founded upon 21 U.S.C. §
4 5 853(l), which provides that, "The district courts of the United States shall have
6 jurisdiction to enter orders as provided in this section without regard to the location of
7 any property which may be subject to forfeiture under this section or which has been
8 forfeited under this section."

10 5. Rule 32.2, Federal Rules of Criminal Procedure, provides, in part:

11 (b) Entering a Preliminary Order of Forfeiture.

12 (1) Forfeiture Phase of the Trial.

13 (A) Forfeiture Determinations. As soon as practical after a verdict or
14 finding of guilty, or after a plea of guilty or nolo contendere is accepted,
15 on any count in an indictment or information regarding which criminal
16 forfeiture is sought, the court must determine what property is subject to
17 forfeiture under the applicable statute. If the government seeks forfeiture
18 of specific property, the court must determine whether the government
19 has established the requisite nexus between the property and the offense.
If the government seeks a personal money judgment, the court must
determine the amount of money that the defendant will be ordered to pay.

20 (B) Evidence and Hearing. The court's determination may be based on
21 evidence already in the record, including any written plea agreement, and
22 on any additional evidence or information submitted by the parties and
23 accepted by the court as relevant and reliable. If the forfeiture is
contested, on either party's request the court must conduct a hearing after
the verdict or finding of guilty.

24 (2) Preliminary Order.

26 (A) Contents of a Specific Order. If the court finds that property is subject
27 to forfeiture, it must promptly enter a preliminary order of forfeiture
28 setting forth the amount of any money judgment, directing the forfeiture
of specific property, and directing the forfeiture of any substitute

1 property if the government has met the statutory criteria. The court must
2 enter the order without regard to any third party's interest in the property.
3 Determining whether a third party has such an interest must be deferred
4 until any third party files a claim in an ancillary proceeding under Rule
32.2(c).

5 (B) Timing. Unless doing so is impractical, the court must enter the
6 preliminary order sufficiently in advance of sentencing to allow the
7 parties to suggest revisions or modifications before the order becomes
8 final as to the defendant under Rule 32.2(b)(4).

9 6. Based upon the Defendant's guilty pleas to the Conspiracy to Distribute
10 400 grams or more of Fentanyl and 50 grams or more of Actual (Pure)
11 Methamphetamine, and Felon in Possession of a Firearm violations, the United States
12 has established the requisite nexus between the assets listed herein and the offenses to
13 which the Defendant has pleaded guilty. Accordingly, the assets listed herein are
14 subject to forfeiture to the United States pursuant to 21 U.S.C. § 853 and/or 18 U.S.C. §
15 924(d)(1) and 28 U.S.C. § 2461(c):

16 7. Upon issuance of a Preliminary Order of Forfeiture and pursuant to Fed.
17 R. Crim. P. 32.2(b)(6)(C) and 21 U.S.C. § 853(n)(1), the United States will post notice
18 of this order on the official government internet site (www.forfeiture.gov) for at least
19 30 consecutive days.

20 8. The United States may also, to the extent practicable, provide direct
21 written notice to any person known to have alleged an interest in the property that is
22 the subject of the Preliminary Order of Forfeiture, as a substitute for posted internet
23 notice as to those persons so notified.

WHEREFORE, the United States respectfully requests that this Court enter a Preliminary Order of Forfeiture forfeiting to the United States the forfeitable assets described herein. A proposed Preliminary Order of Forfeiture is attached hereto.

DATED: December 3, 2021

Vanessa R. Waldref
United States Attorney

s/ *Stephanie Van Marter*
Stephanie Van Marter
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following CM/ECF participant(s):

Tim Nguyen
timnguyen@troyleelaw.net

s/ *Stephanie Van Marter*
Stephanie Van Marter
Assistant United States Attorney